

STATE OF INDIANA )  
 ) ss:  
COUNTY OF LAKE )

SUPERIOR COURT OF LAKE COUNTY  
CRIMINAL DIVISION  
CASE 45G01-0211-FB-00086

2004 082873

STATE OF INDIANA, )  
Plaintiff, )  
 )  
v. )  
 )  
TANISHA ANN DAVIS, )  
Defendant. )

**ORDER**

08-27-04

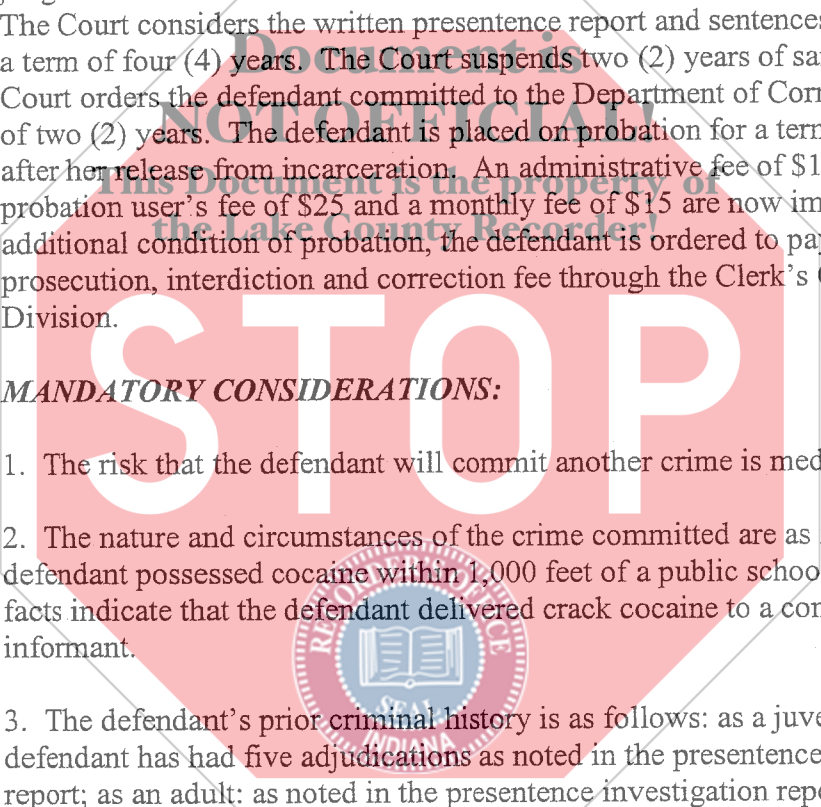
The defendant, Tanisha Ann Davis, appears with her attorney Karen Coulis. The State of Indiana appears by Deputy Prosecuting Attorney Philip Nchekwube. The Court now accepts the plea of guilty tendered on June 21, 2004 and enters judgment for the crime of Count III: Possession of Cocaine, a Class C felony. The Court considers the written presentence report and sentences the defendant to a term of four (4) years. The Court suspends two (2) years of said sentence. The Court orders the defendant committed to the Department of Correction for a term of two (2) years. The defendant is placed on probation for a term of two (2) years after her release from incarceration. An administrative fee of \$100, an initial probation user's fee of \$25 and a monthly fee of \$15 are now imposed. As an additional condition of probation, the defendant is ordered to pay the drug abuse, prosecution, interdiction and correction fee through the Clerk's Office, Criminal Division.

**MANDATORY CONSIDERATIONS:**

1. The risk that the defendant will commit another crime is medium.
2. The nature and circumstances of the crime committed are as follows: the defendant possessed cocaine within 1,000 feet of a public school, although the facts indicate that the defendant delivered crack cocaine to a confidential informant.
3. The defendant's prior criminal history is as follows: as a juvenile: the defendant has had five adjudications as noted in the presentence investigation report; as an adult: as noted in the presentence investigation report.
4. The defendant's character is manipulative; and her condition is that of a healthy African American female.

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Legia Hamp/Marsha Hood  
1421 Maryland St.  
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11/15/05



**MITIGATING CIRCUMSTANCES:** The Court considers the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation:

1. The defendant is likely to respond affirmatively to probation and or short term imprisonment.
2. Imprisonment of the defendant will result in undue hardship to herself and her dependent. The defendant has a two year old son.
3. The defendant has pled guilty and admitted responsibility for her actions.

**AGGRAVATING CIRCUMSTANCES:** The Court considers the following factors as aggravating circumstances or as favoring imposing consecutive terms of imprisonment:

1. The defendant has a history of criminal activity as follows: April 2001- Possession of Cocaine, a Class D felony, Lake Superior Court, for which she violated her probation.
2. The defendant committed the instant offense three months after being unsatisfactorily discharge from probation in Case 45G01-0008-DF-00174.
3. The defendant has failed probation.

The court finds that the aggravating factors are equal to the mitigating factors.

The defendant is to receive credit for 3 days spent in confinement as a result of this charge, plus 3 days of good time credit as provided by law, for a total of 6 days credit. The defendant waives the reading of general rules of the probation terms in open court. The State of Indiana by Deputy Prosecuting Attorney Kathleen O'Halloran files a motion to dismiss Counts I and II, which is granted. The Court imposes a drug abuse, prosecution, interdiction, and correction fee of \$200 pursuant to IC 33-19-7-1. The defendant is remanded to the custody of the Sheriff for execution of the judgment of this Court. Court costs are assessed. Defendant is found to be indigent and shall not be incarcerated for failure to pay court costs. The real estate bond posted on behalf of the defendant is now ordered released. The cash bail of \$99 is also ordered released to person posting the same. Case disposed. (Nanetta L. Glenn reporting.)

SO ORDERED: SALVADOR VASQUEZ, Judge Trial

State of Indiana vs Tanisha Ann Davis  
Cause 45G01-0211-FB-00086

<p><b>CERTIFICATION OF CLERK</b> As legal custodian I hereby certify that the above and foregoing is a true and complete copy of the original on file with this office in the cause stated thereon. Witness my hand and the seal of the court this <u>24th</u> day of <u>September</u> 20<u>04</u>. <u>Thomas R. Philpat</u> Clerk of the Lake Circuit and Superior Courts By: <u>Nanetta L. Glenn</u> Deputy Clerk</p>
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